



# WISCONSIN REGULATORY DIGEST

**Volume 11, No. 2**      **A Publication of the**  
**DENTISTRY EXAMINING BOARD**      **NOVEMBER, 1999**

## Department Overview

### by Secretary Marlene A. Cummings

As Secretary of the Wisconsin Department of Regulation and Licensing, I am frequently asked for information about the department and believe that it is useful from time to time to discuss the structure and philosophy which guides the work of this department as well as providing information of the department's current strategic business goals.

The Department of Regulation and Licensing is an umbrella agency, which provides services to over 20 boards. These boards are responsible for the regulation of a wide variety of professions and the department independently regulates many other professions, occupations and entities. There are basically three different regulatory activities provided by the boards and the department. They are: 1) the application and examination process;

2) defining what the credential entitles the credential holder to do through scope of practice; professional conduct and professional ethics written into administrative code, and; 3) enforcement.

One of the more unique oversight board arrangements in the department is the joint board that regulates architects, landscape architects, professional engineers, designers and land surveyors. This joint board is in the Division of Business Licensure and Regulation. The division is divided into two bureaus to allow for more direct service staff to become better acquainted with the issues surrounding each profession.

This board, along with all other boards in the department, set standards of professional competence and conduct for the profession under its charge; prepares, conducts and grades the examinations of prospective new practitioners; grants licenses; investigates complaints of alleged unprofessional conduct; and performs other functions assigned to it by law. One of the most important departmental responsibilities is to assist the boards in discharging these duties.

## THE WISCONSIN DENTISTRY EXAMINING BOARD

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### Administrative Staff:

Patrick D. Braatz, Division Administrator

### Executive Staff:

Marlene A. Cummings, Secretary  
June Suhling, Deputy Secretary  
Myra Shelton, Executive Assistant

In addition the department also:

- \* Acts as a conduit for professions and their interaction with other state agencies or the governor's office.
- \* Has broadened its enforcement authority to respond more effectively and efficiently to complaints of unlicensed practice. Through.

## CONTENTS

Department Overview .....	1
Y2K Update .....	2
<b>Chapter DE7 Local Anesthesia</b> .....	3
Record Transfers .....	4
Disciplines .....	3
<b>Have You Moved?</b> .....	4
Telephone Directory .....	5

the administrative injunction process, the department is able to effectively enforce licensure requirements

- \* Is in the process of using new technology to upgrade our services to customers through expanded use of automated telecommunications services and by facilitating electronic transmission of information via the Internet.
- \* Is exploring more opportunities for seminars and information exchanges with professional credential holders and their statewide associations to learn more about the professions and how we can provide better services.

### **Y2K Update**

By the end of this year, everyone - no doubt - will be tired of hearing about the Y2K "problem." The issue has received, and will continue to receive, considerable attention in the media and workplace. Governor Tommy Thompson has made Y2K readiness one of the top priorities of his administration and is committed to ensuring that state agencies are ready to deal with any and all problems which may result from the coming of the year 2000.

The Department of Regulation and Licensing, like all other state agencies, has been preparing for the last couple of years for the switch to the year 2000. We have analyzed major functions in the department and have identified areas where work was needed in order to prepare for a smooth transition to the year 2000. We are confident that our preparations are on track and we anticipate no major problems in the department as we approach the year 2000.

There are three main areas which can summarize our progress towards dealing with Y2K issues. They are:

**Applications:** All of our applications have been converted over to the Oracle database and these processes are Y2K compliant.

**Hardware and System Software:** The department is currently in the process of upgrading all of our personal computers to ensure that they are Y2K compliant. A complete department-wide testing of all computer hardware devices is underway.

**Contingency Plans:** The department is also developing a contingency plan to address issues related to business resumption in case a disaster involving unforeseen problems may arise due to Y2K issues.

We are confident that our actions to date and the additional efforts which will unfold over coming months will ensure that the department will see a smooth transition from 1999 to 2000. We will

keep you posted on an "as needed" basis should other issues materialize or if we need to provide any additional information regarding departmental goals and actions which are aimed at successfully managing the Y2K issue.

### **Division of Enforcement**

A critically important component of the role played by the Department of Regulation and Licensing (DORL) in overseeing professions subject to licensure and regulation is the Division of Enforcement (DOE), headed up by Jack Temby.

The DOE is a large division comprised of attorneys, investigators and support staff. Their primary mission is to conduct investigations of complaints received by the department concerning the conduct of persons holding professional credentials or licenses issued by the department. In the most recently completed biennium (1995-97) more than 4,400 complaints were received and processed by the division. When appropriate, complaints are resolved through mediation. However, if it appears there has been a violation of the laws enforced by the boards or department, formal disciplinary action may be commenced against the credential holder involved.

There are four distinct phases of the case handling process and are as follows:

- \* **Intake Stage:** This is the first stage in the case handling process. Cases are screened by screening panels to determine if an investigation is warranted. Cases that do not warrant investigation are quickly closed. Cases that appear to have merit are identified for investigative action.
- \* **Investigation Stage:** This is the next stage in the case handling process. Investigative staff gather necessary evidence and make contacts with witnesses as needed. The results of the investigation are discussed with a case advisor and a department attorney. Cases that do not warrant professional discipline are closed. Cases with violations proceed to the next stage for legal action.
- \* **Legal Action Stage:** In this stage, department prosecuting attorneys, in conjunction with case advisors, review the results of the investigation and pursue disciplinary action when appropriate. Cases may be resolved by means of stipulated agreements, informal settlement conferences or letters of concern.
- \* **Hearing Stage:** The last stage is the hearing stage. This is a formal legal process. The department attorney litigates the case before an administrative law judge. The law judge makes a proposed decision which is reviewed by the

licensing board. If a violation is found, discipline may be imposed. Disciplines include reprimand, limitation, suspension and revocation.

To file a complaint you may contact the Division of Enforcement by calling (608) 266-7482 or (608) 266-3736, or write the Department of Regulation and Licensing, Division of Enforcement, P.O. Box 8935, Madison, WI 53708-8935.

### **Chapter DE 7 Local Anesthesia Administration by Licensed Dental Hygienists!**

Public hearing for the local anesthesia portion of Chapter DE 7 and clearinghouse presentation met without any controversy in March 1999. At the September 1 board meeting DE 7 was adopted unanimously!

Formal publication making the rule effective is on November 1, 1999.

We advise to delay registering for any continuing education courses until November 1, 1999.

The rule making order of the Dentistry Examining Board promulgates rules mandated under 1997 Wisconsin Act 96 regarding the education required of dental hygienists to receive a certificate to administer local anesthesia to patients. Under the Act the scope of practice of a qualified dental hygienist is expanded to permit the administration of local anesthesia pursuant to a treatment plan approved by a dentist who is present in the dental facility when local anesthesia is administered to the patient. These rules establish the education required of a dental hygienist to administer local anesthesia, as well as the application procedures for receiving a certificate from the Board to perform that function. (The rules were developed in conjunction with the Wisconsin Dental Association and Wisconsin Dental Hygienist Association.)

They require 21 hours of instruction in local anesthesia provided by an accredited dental or dental hygiene school. The course is to be comprised of at least 10 hours of didactic instruction in relevant subject matters and at least 11 hours in the clinical administration of local anesthesia. At the completion of this course work the licensed dental hygienist shall indicate the successful completion of an inferior alveolar injection on a patient who was informed and granted his/her consent to the dentist, and that the dentist assume liability for the injection performed on the patient. (This is a statement that contains a signature of the employing dentist who supervised and verified this injection.)

If a dental hygienist is licensed by endorsement of a dental hygienist license from another state, this

statement of successful completion of an inferior alveolar injection must be within six weeks of becoming licensed as a dental hygienist in this state.

Other education requirements include:

1. Evidence of current qualification in Cardio-pulmonary Resuscitation from either the American Heart Association or the American Red Cross.
2. Didactic instruction at a minimum of 10 hours including, but not limited to:
  - A. Neurophysiology and pain perception.
  - B. Basic pharmacology and drug interaction.
  - C. Chemistry, pharmacology and clinical properties of local anesthesia, vaso constrictors and topical anesthesia.
  - D. Anatomic considerations for administration of anesthesia.
  - E. Patient assessment for administration of anesthesia.
  - F. Selection and preparation of armamentarium.
  - G. Recognition management and emergency response to local complications.
  - H. Recognition management and emergency response to systemic complications.
  - I. Ethical and legal considerations.
  - J. Techniques for regional anesthesia.
3. Experience in the clinical administration of local anesthesia. Minimum of 11 hours in the following techniques:
  - I. Maxillary
    - A. Posterior superior alveolar.
    - B. Middle superior alveolar.
    - C. Anterior superior alveolar.
    - D. Greater/lesser palatine.
    - E. Nasopalatine.
    - F. Supraperiosteal injection.
  - II Mandibular
    - A. Inferior alveolar/lingual.
    - B. Mental/incisive nerve block.
    - C. Buccal nerve.
    - D. Periodontal ligament injection.
    - E. Intraseptal injection.

**A copy of the DE 7 in its entirety can be obtained by request from the Dept. of Regulation and Licensing, 1400 E. Washington, P.O. Box 8935, Madison, WI 53708-8935.**

### **Records Transfers**

One of the questions the Board is frequently asked is: What is the responsibility of the

dentist regarding patient records when a patient requests a transfer of their records to either themselves or a different dental office?

The law states that when a patient submits a statement of informed consent, they are to receive a copy of their written health care records or have those records transferred to a dentist of their choice upon payment of reasonable costs.

The patient is also entitled to receive a copy of their x-rays or have the x-rays (copies or originals), transferred to another health care provider of their choice upon payment of reasonable costs and presentation of an informed consent. We strongly recommend that when a transfer of x-rays occurs, that copies be transferred and the originals be retained by the dentist who took them unless the quality of the original is necessary for ongoing treatment. If this occurs, arrangements should be made for the return of the original radiograph following treatment.

#### **Disciplines**

MARY WIELGUS, D.D.S.

APPLETON WI SUSPEND INDEFINITELY  
Struck an attorney who attempted to serve legal process on her, causing him physical injury. Made threats to burn down or explode his office. Engaged in violent and abusive conduct in her dental office in the presence of patients and employees. May petition at any time within 5 years for a stay of suspension. Effective 3/3/99 Sec. 447.07(3)(a), Stats. DE 5.02(1),(4),(5),(15) Case #LS9811059DEN

WILLIAM W. GILMORE, D.D.S.

JANESVILLE WI

REPRIMAND/FORFEITURE/COSTS

Issued prescription orders for prescription drugs to his patients on prescription forms bearing the printed name, address and DEA registration number of Wayne M. Gilmore, D.D.S. Prior to obtaining a DEA registration Dr. William W. Gilmore issued prescription orders for controlled substances to his patients. Effective 5/5/99. Sec. 447.07(3)(a),(f),(L), Stats. DE 5.02(6),(16),(20) Case #LS9904191DEN

KIRK D. ALMENDINGER, D.D.S.

FOREST LAKE MN

FORFEITURE/COSTS

License expired on 9/30/97. Applied for renewal but due to a tax delinquency his renewal was denied. Between 11/13/97 and continuing on through at least the end of August, 1998, continued to practice without current license registration. Effective 5/22/99. Secs. 447.03(1), 447.07(3)(a), (f), Stats. Case #LS9905221DEN

MICHAEL S. MECIKALSKI, D.D.S.

BOSCOBEL WI

SUSPENDED/STAYED

WITH

LIMITATIONS

Purchased controlled substances from drug companies during the years 1993 through 1995, and between 1/1/96 and 12/2/97 for his personal use. Suspended not less than 5 years, that suspension is stayed with limitations. Effective 5/5/99 DE 5.02(4),(5),(6),(15),(16),(18) Case #LS9905051DEN

RICHARD OLSEN, D.D.S.

DEERFIELD WI REPRIMAND/FORFEITURE

License expired on 9/30/97 and did not renew his license until 4/21/98. At least from 10/1/97 and continuing through 7/21/98 he continued to practice. The Department of Health and Family Services entered a cease and desist order effective 4/9/98 prohibiting him from using his x-ray machine for failure to pay his annual renewal of his x-ray equipment. Effective 5/5/99.

Secs. 447.03 (3)(a),(f), Stats. DE 5.02(15) Case #LS9905052DEN

RICHARD E. NELLEN, D.D.S.

BROOKFIELD WI

ADMINISTRATIVE INJUNCTION

Engaged in the practice of dentistry without the required credential. Effective 3/23/99. Sec. 447.03, Stats. Case #LS9901121DEN

#### **HAVE YOU MOVED?**

As simple as it may seem, one of our areas of great concern continues to be appropriate, timely relicensure.

Chapter DE 2.03 requires biennial renewal by October 1 of the odd-numbered year following initial licensure and every two years thereafter. This is required for all dentists and dental hygienists. Failure to meet these requirements by the renewal date requires ceasing and desisting from dental or dental hygiene practice!

Write to: **State of Wisconsin, Dept. of Regulation and Licensing, Dentistry Examining Board, P.O. Box 8935, Madison, Wisconsin, 53708 or Fax #(608) 261-7083.** Send full name, old and new address, license number and profession .

With our mobile society and an increase in "dead mail" it is a greater risk of missed license renewal than ever before. It is in your best interest to keep this information current and avoid disciplinary action.

### Telephone Directory

Automated phone system for the Bureau of Health Professions: (608) 266-2811.

- Press 1 **Request Application**  
Press 2 **Status of a Pending Application**  
Press 3 **Complaint Filing Information**  
Press 4 **Verifying Current Status of a Credential Holder**  
Press 5 **Name or Address Change**  
**Need Duplicate License**  
**Request a Letter of Good Standing**  
Press 6 **Repeat Menu Choices**  
**Fax:** (608) 261-7083

### Verifications:

All requests for verification of license status must be in writing. There is no charge for this service.

### Endorsements:

Requests for endorsements to other states must be in writing. The cost is \$10. Please make check or money order payable to the Department of Regulation and Licensing.

### Visit the Department's Web Site:

<http://badger.state.wi.us/agencies/drl/>  
Send comments to [dorl@drl.state.wi.us](mailto:dorl@drl.state.wi.us)

### Digest on Web Site:

The November, 1997, September, 1998, April, 1999 are on the Web.

### 1999 Board Meeting Dates

November 3, 1999

### Wisconsin Statutes and Code:

Copies of the Dentistry Examining Board Statutes and Administrative Code can be ordered from the Department. Include your name, address, county and a check payable to the Department of Regulation and Licensing in the amount of \$5.28. The latest Edition is dated May, 1999.

### Change of Name or Address?

Please photocopy the mailing label of this digest, make changes in name or address, and return it to the Department. Confirmation of changes are not automatically provided.

**WIS. STATS. S. 440.11 ALLOWS FOR A \$50 PENALTY TO BE IMPOSED WHEN CHANGES ARE NOT REPORTED WITHIN 30 DAYS.**

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